

JOHN T. GORMAN
Federal Public Defender
District of Guam

BRIANA E. KOTTKE
Assistant Federal Public Defender
First Hawaiian Bank Building
400 Route 8, Suite 501
Mongmong, Guam 96910
Telephone: (671) 472-7111

Attorney for Ricky James Jr. Salas Santos

IN THE UNITED STATES DISTRICT COURT

FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,)	CR 20-00021
)	
Plaintiff,)	DEFENDANT'S PROPOSED VOIR
)	DIRE
vs.)	
)	
RICKY JAMES JR. SALAS SANTOS,)	
)	
Defendant.)	
_____)	

Ricky James Jr. Salas Santos, through counsel, respectfully submits the following proposed voir dire questions and reserves the right to ask supplemental questions, including reasonable follow-up questions.

1. In what village do you now live?
2. How long have you lived on Guam? If less than a year, where did you live prior to moving to Guam?
3. What is your educational level?
 - a. Where did you attend high school/college?
 - b. If college graduate, what was your degree?

4. Are you employed?
5. By whom are you employed?
6. How long have you been employed?
7. What is your job title?
 - a. Did you receive any training for your job?
 - b. If yes, what type of training?
8. Are you employed in a supervisory capacity?
9. If the juror is retired, what was your job before you retired and how long have you been retired?
10. Are you married?
11. Does your spouse work?
12. Do you have children?
13. What are the ages of your children?
14. Have you ever been a juror in either a civil or criminal case? If so:
 - a. How long ago?
 - b. Was it a civil or criminal case?
 - c. Were you the foreperson?
 - d. Did the case result in a verdict? If so, what was it?
 - e. Was there anything unpleasant about your experience on that jury that you feel will make it difficult for you to sit on this jury?
15. Have you ever been a witness in a criminal case? If so:

- a. When?
 - b. What type of case?
 - d. Were you a witness for the government or the defense?
 - e. Was there anything about your experiences as a witness which you think would make it difficult for you to be a fair juror in this case?
16. Have any of you or a loved one ever been a victim of a crime? If so:
- a. When?
 - b. What type of crime?
 - c. Did you receive the type of treatment from the police that you expected?
 - d. Do you know whether the suspect was ever caught and punished?
 - e. Did you have any contact with the defense attorney in that case? If so, how did the defense attorney treat you?
 - f. From your experience as the victim of a crime, do you feel that the criminal justice system works?
 - g. Is there anything about that experience which would make it difficult for you to serve as a fair juror in this trial?
17. Mr. Santos is charged with Possession and Attempted Possession of Methamphetamine with Intent to Distribute. Is there anything about the charges that would make it difficult for you to serve as

a fair juror in this trial?

18. Do any of you know Mr. Santos or his relatives? Is there anything about Mr. Santos that would impact your ability to be a fair and impartial juror?
19. You will hear testimony in this case from people employed by the Drug Enforcement Administration, the Guam Police, and/or the federal government. Have you or any your relatives or close friends worked for the military or local or federal government? If so:
 - a. What branch of the military or department of the government?
 - b. What is that person's relationship to you?
 - c. Where does he/she work?
 - d. What does he/she do?
 - e. Have you ever discussed his/her job duties?
 - f. Have you ever discussed or heard that person talk about work?
 - g. Do you feel that because of your friendship/relationship with that person, you might find it more difficult to return a not guilty verdict in this case?
20. This is a criminal case, which means that you cannot convict Mr. Santos for the charges in the Indictment unless all jurors are

satisfied beyond a reasonable doubt that Mr. Santos is guilty. The Court will instruct you on the law, including the meaning of proof beyond a reasonable doubt. Even if you disagree with the instructions, you must follow them.

- a. Will you be able to follow the Court's instruction about proof beyond a reasonable doubt?
 - b. If selected as a juror, will you set aside your personal views and follow the Court's instructions?
- 21. Do you understand that the Government alone has the burden of proving the charges beyond a reasonable doubt?
 - 22. Will you hold the Government to its burden of proving each element of the offenses beyond a reasonable doubt?
 - 23. Do you understand that it is your duty to find Mr. Santos not guilty if the Government does not prove the offense beyond a reasonable doubt?
 - 24. Will you be able to fulfill your duty to find Mr. Santos not guilty if the Government does not prove the offense beyond a reasonable doubt?
 - 25. Are there any of you who would be reluctant to find Mr. Santos not guilty if the Government fails to meet its burden of proof?
 - 26. Do you understand that Mr. Santos has no burden to prove his innocence?

- a. Do you understand Mr. Santos is presumed innocent?
 - b. Do you understand the law presumes Mr. Santos is innocent unless and until the Government satisfies you of his guilt by proving each element of the offenses beyond a reasonable doubt?
 - c. Can you presume Mr. Santos innocent?
- 27. Do you understand that Mr. Santos has a constitutional right not to testify if he so chooses?
 - 28. If he chooses not to testify, the law prohibits you from considering in any manner that Mr. Santos did not testify. Do you understand?
 - 29. Will you hold it against Mr. Santos if he does not testify?
 - 30. Do you understand that Mr. Santos has a constitutional right to testify if he so chooses?
 - 31. If he chooses to testify, the law requires that you treat his testimony just as you would the testimony of any other witness. Do you understand?
 - 32. Will you discredit Mr. Santos's testimony on the basis that he is accused of crimes?
 - 33. The estimated length of this case is 3-4 days. Will the length of trial cause you any inconvenience?
 - 34. Is there anything that would make it difficult for you to sit as an

impartial juror?

35. Have you or any family members worked for any law enforcement agency?
36. Have any of you formed any strong impression or do you have a strong opinion about individuals who are charged with a criminal offense and challenge the charge in court?
37. Have you formed any strong impression or do you have a strong opinion about law enforcement officials?
38. Have you formed any strong impression or do you have a strong opinion about the military or the federal government?

DATED: Mongmong, Guam, August 9, 2021.

/s/



Briana E. Kottke
Assistant Federal Public Defender
District of Guam

Attorney for Ricky James Jr. Salas Santos